

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**PUBLIC UTILITIES COMMITTEE**

**Santa Fe, New Mexico**

**April 2, 2003**

A regular meeting of the City of Santa Fe Public Utilities Committee was called to order on this date at approximately 6:00 p.m. in City Hall Council Chambers. Roll Call indicated the presence of a quorum, as follows:

**Members Present:**

Councilor Patti J. Bushee, Acting Chair  
Councilor David Coss  
Councilor Rebecca Wurzbarger

**Members Excused:**

Councilor Matthew E. Ortiz, Chair  
Councilor Carol Robertson Lopez

**Other Governing Body Members Present:**

Councilor Miguel M. Chavez  
Councilor Karen Heldmeyer  
Councilor David Pfeffer

**Staff Present:**

Ms. Claudia Borchert, Water Division  
Mr. Rick Carpenter, Water Division  
Mr. Kyle Harwood, City Attorney's Office  
Mr. Costy Kassisieh, Wastewater Division  
Mr. Jerry Lowance, Public Utilities  
Mr. Gary Martinez, Water Division  
Ms. Maya Martinez, Water Division  
Ms. Luana Montoya, Public Utilities  
Mr. Bryan Romero, Wastewater Division

## **APPROVAL OF AGENDA**

Councilor Wurzbarger asked that Item 6a (Joint City-County Resolution Urging Development of a Water Budget for the Santa Fe Regional Area by the Regional Planning Authority) be postponed to the next meeting so that her co-sponsor, Councilor Lopez, could be present.

**Councilor Wurzbarger moved approval of the agenda, as amended. Councilor Coss seconded the motion and it passed 3-0 by voice vote, with Councilor Bushee, Councilor Coss and Councilor Wurzbarger voting for, and none against.**

## **APPROVAL OF MINUTES**

### **February 5, 2003**

**Councilor Coss moved approval of the February 5 minutes, as submitted. Councilor Wurzbarger seconded the motion, which passed 3-0 by voice vote.**

### **February 11, 2003 — Water Demand Advisory Subcommittee Hearing**

**Councilor Wurzbarger moved approval of the February 11 minutes of the Water Demand Advisory Subcommittee hearing, as submitted. Councilor Coss seconded the motion and it passed 3-0 by voice vote, with Councilor Bushee, Councilor Coss and Councilor Wurzbarger voting for, and none against.**

## **INFORMATIONAL ITEMS**

### **Update Current Water Supply Status and Outlook for 2003. (Gary Martinez, Source of Supply Manager, Water Division.)**

Mr. Martinez reviewed the weekly water report for the week ending March 30.  
*[Submitted herewith as Exhibit "A."]*

Mr. Martinez noted combined well production (City and Buckman well field) of 7.54 mgd, consumption demand of 7.29 mgd, and an average of .48 mgd for Las Campanas. Mr. Martinez said reservoir capacity was about 42% and climbing steadily, with weekly inflow average of 4.11 mgd into McClure.

Mr. Martinez reviewed a summary of weekly data comparisons vs. two previous years (second page of his weekly water report). He pointed out that, while City well field use has been fairly consistent over this period, Buckman well field use has increased from 3.68 mgd in 2001 to 4.81 mgd in 2002 and 5.06 mgd in 2003.

City hydrologist Claudia Borchert introduced herself to the PUC members. She said she was replacing Dale Doremus as water resource projects coordinator, and she was a hydrogeologist as well as a hydrologist.

Councilor Wurzbarger asked Mr. Harwood if there is a point where the City can go from Stage 3 to Stage 2 based on reservoir level; and if so, what is the level that would trigger it.

Mr. Harwood responded that Mr. Buller has convened a group of Public Utilities staff members to look at the staging ordinance and the way reservoir levels interact with well capacities and demand figures, but they are out of town.

Councilor Wurzbarger asked if her question could be answered prior to the next PUC meeting, and Mr. Harwood responded that he would stress this priority with Mr. Buller.

Councilor Heldmeyer said she was recently informed that the water quality testing of Buckman Well #9, which was hooked up this week, could take up to two months. She asked if that was correct.

Mr. Martinez responded that he saw nothing in the well report that raised any major concern, although arsenic readings are 13 parts per billion, which is higher than the standard of 10 parts per billion (in effect in 2006); and there are high turbidity readings, but that is fairly standard with a new well and will probably clear up with sustained pumping.

Councilor Heldmeyer asked what happens to the water that is pumped to get rid of the turbidity, and Mr. Martinez responded that the well is usually purged until the water clears up. He said he did not think it would take two months, as suggested by Councilor Heldmeyer, since most water analyses take a week to two weeks at the most, at which time a second reading would be taken.

Councilor Heldmeyer recalled the Committee being told last year that the City was in some respects lucky to be in drought because "if we had been pumping from the treatment plant at the levels we had pumped at in previous summers, we probably would have had a water quality problem." She asked if enough "fixes" have been put into the plant this year to allow generous pumping without potential problems with water quality standards. She commented that the

legislative monies allocated to the City to deal with the problem will not come in until early July.

Mr. Martinez responded that the City was able to safely peak at 3 mgd last year, and staff feels comfortable that up to 5 mgd could be pumped this year thanks to the remediation work already completed. He said the plant would be able to pump 8-10 mgd (design capacity) once all of the work is done.

Councilor Heldmeyer asked if it would help for the City to lend money to the Water Enterprise Fund now so that the work could begin a bit sooner, and Mr. Martinez responded that it was probably too late because the RFP would still have to be issued, etc. He said it would be better to focus time and energy on a good RFP and design, then get the filter system completed during the fall, winter and early spring.

Councilor Coss asked when Well #9 would be online and into the system, and Mr. Martinez said he had just been told by staff that it would be in eight or nine days.

Councilor Pfeffer recalled that staff first announced that Well #9 would be online at the end of October 2002, then those dates changed to the beginning of November, then mid November, then the beginning of December, and so on, and now it was the beginning of April. He commented, "I don't remember ever hearing why other than at one point being told that we don't need to pump from Well 9 because the demand isn't there. And now we're going to be looking at 10 through 13, and I'm starting to hear the same stuff.... and no real reason is ever given as to why it takes this long." He commented that this is frustrating because Councilors are expected to answer these questions.

Councilor Pfeffer asked what realistically happened to Well 9, and what realistically would happen with 10 through 13.

Acting Chair Bushee asked Mr. Lowance to have something in writing from the engineer by the April 9 Council meeting.

Addressing Mr. Lowance, Councilor Wurzbarger asked if there have been any challenges to the environmental impact study, which has been published and is awaiting comments from the public.

Mr. Lowance responded that he did not know of any.

Mr. Harwood clarified that these are not challenges so much as requests for information. He said there were seven letters with comments submitted to the consulting firm, and the City is expected to respond to the BLM by the end of this

week. He noted that several people who have protested the OSE proceeding have also submitted questions and are requesting comments.

Acting Chair Bushee asked for a status report on how the City is doing in getting its lease rights in perpetuity; and what the “game plan” is for return flow credits. She commented that the City seems to be behind in the pursuit of return flow credits and should be more proactive, and asked for a presentation on that issue at the next PUC meeting.

### **ACTION ITEMS**

#### **Consideration of a Resolution No. 2003-\_\_\_\_. (Councilor Chavez) A Resolution in Support of the Jemez y Sangre Regional Water Plan (Kyle Harwood, Assistant City Attorney)**

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Councilor Chavez said the Jemez y Sangre Water Planning Council, comprising 24 groups in this region, has undertaken extensive public involvement over five years in order to develop a plan for the protection, preservation and enhancement of the sustainability of water resources in this region.

Councilor Chavez said the resolution before the PUC would adopt the concept of the plan with the hope that it would be incorporated into the statewide water plan that Governor Richardson has committed to.

Mr. Harwood stated that this resolution, which he and Mr. Carpenter have worked on and amended, is now very consistent with endorsement resolutions adopted by other communities in New Mexico with respect to the Jemez y Sangre Regional Water Plan.

Mr. Harwood said Estévan Lopez of the Interstate Stream Commission is looking forward to seeing the plan from the City, since the City would be the fourth or fifth of the 16 planning regions to submit a plan. He said Mr. Lopez is hoping that this region and the City will play a part in the statewide water plan.

Acting Chair Bushee stated that she has not read the executive summary, nor has it been discussed, to her knowledge. She said she would prefer a presentation before endorsing the plan.

Mr. Harwood said he would put a copy of the executive summary in all of the Councilors’ mailboxes tomorrow.

Councilor Chavez noted that the plan will go to the Finance Committee, and suggested that it go to the Public Works Committee as well.

**Councilor Wurzburger moved to send this forward to the Public Works Committee with the following caveats:**

**1) The resolution speaks to projected additional future water demand of 31,500 acre-feet per year by 2060, and she understood those figures were not binding to City Council nor did adoption of the resolution imply that the Council is agreeing to the figures.**

**2) In endorsing this plan, in no way does it imply that the City would be giving up its right to develop a sub-plan with Santa Fe County through the Regional Planning Authority.**

**Councilor Coss seconded the motion, which passed 3-0 by voice vote.**

**Request Approval to Amend Development Agreement for Santa Fe Airport Business Park. (Bryan Romero, Engineer Supervisor, Wastewater Division.)**

As background, Mr. Romero stated that, in the 1980s through early 1990s, the City required pre-annexation agreements or development agreements for properties outside of City limits so that they could obtain sewer service and other service. He said about 35 similar agreements were executed during that period.

Mr. Romero reported that Jim Siebert, agent for Henry Oliver, has requested that the City amend condition 3B of the development agreement for Santa Fe Airport Business Park such that the City would accept the sewer line without annexation.

Mr. Romero read condition 3B as follows:

- B. The Landowners agree to maintain the sewer service laterals, between structures on the Property and the dedicated public sewer main, as a private system. The Landowner further agrees to hold the City harmless from any obligation regarding operation and maintenance of the private system, until such time as the property is annexed into the City and, at the City's request and at no cost to the City, the private sewer is formally dedicated to the City. Thereafter, maintenance of the sewer system shall be by the City.

Mr. Romero stated that this agreement with Mr. Oliver precedes a resolution adopted in 1997, stating that the City would accept private systems if they met City standards.

Mr. Romero said the 35 agreements he mentioned are basically along the Airport corridor. He stated that approving this amendment could set a precedent in approving more sewer in the area as public.

Mr. Romero said staff was recommending against approval of this request because of the additional costs that could be incurred by the City. He added that the City would also experience liability and risk issues in accepting this system should there be backups, etc.

Mr. Kassisieh agreed with Mr. Romero that the City should not be burdened with the responsibility of sewer lines in the county.

Acting Chair Bushee asked if the City would be required to accept these private systems into the public system if the Airport area were annexed, and Mr. Kassisieh responded that they would, provided they were built to City standards.

Acting Chair Bushee asked Mr. Kassisieh to discuss staff's reservations about accepting Mr. Siebert's request.

Mr. Kassisieh responded that the City could control quality by working with developers to make sure the lines were built to City standards. He said the problem is that the City does not have the manpower to keep up with the sewer lines in the county. He added that staff might request additional employees in the future in order to cover the areas that are annexed.

Jim Siebert, 915 Mercer Street, Santa Fe, appeared before the Committee and reviewed an enlarged version of the Airport Road Sewer Plan for Oliver III et al, reflecting the private sewer (in yellow) and the sewer requested for acceptance by the City (in green).

Mr. Siebert stated that, when the 599/Airport Road improvements were made, the sewer line was relocated and made deeper, making it possible to put it within the rights of way and allowing for easier maintenance. He said the developers are requesting that this remain a private sewer and that the areas in green be dedicated to the City for maintenance. He pointed out that, if they were to come in today with a similar project in the EZ, the policy is that the City accept the lines for maintenance provided they are built to City standards. He said he was only asking that the 1989 agreement be updated to current policies.

In the course of responding to questioning from Councilor Wurzbarger, Mr. Siebert said he was making this request because the liability for maintaining the sewer lines would pass from the landowners to the City.

Councilor Chavez recalled that, in a more recent resolution adopted in 2001, the rationale for discontinuing the practice of extending the service area beyond

city limits was that it is not in the City's best interest to do so, based on some bad experiences with sewer lines outside city limits. He asked what bearing that resolution has on this particular plan.

Mr. Romero responded that the resolution included a stipulation that the City would honor private agreements. He said the Airport Business Park development agreement talked about an area rather than existing sewer line. He stated, "So reading this agreement, we were obligated to serve this area with sewer. So this development agreement was in 1989. In 1997, the ordinance allowed extensions in the county — as long as they were built to the City standard, the City would accept them for public maintenance. Then there was a resolution in 2001 to stop extending these services, and that has been the case, but there were some developments already in final development plan, final subdivision plan, that were already going through the process that were going to be served. So this one is an existing development agreement with some new sewer. The only reason the sewer line is being constructed now is that they're redirecting it in order to get gravity.... and to serve the area where there is no sewer now and they want to develop."

Councilor Chavez questioned whether the impact fees the City is receiving are adequate to maintain the wastewater treatment plant, given that a \$20 million upgrade is being contemplated and more sewer lines keep getting added to the system, and Mr. Kassisieh responded that only \$300,000 in fees has been collected over the past two years. He said that is why staff is working with Planning to increase impact and/or connection fees enough to help with sewer plant expansion.

Acting Chair Bushee suggested that the City Attorney's Office review all of the approximately 35 agreements and present its legal position and the City's options.

**Councilor Coss moved to postpone this item to the next meeting (May 7) with a legal review on how this particular project would be viewed under the 1997 policy versus the 2001 policy.**

**Councilor Wurzbarger seconded the motion.**

In discussing a point raised by Mr. Romero that the 2001 resolution established a technical review team (TRT), which included legal staff, to review the various development agreements, Councilor Heldmeyer said that was for new applications, at least for water, and legal staff should determine whether a technical review makes sense for sewer.



Mr. Harwood said legal staff would take a look at the way the ordinances have interacted in TRT, because that is a legal planning water/wastewater group that meets regularly.

**The motion passed 3-0 by voice vote.**

### **ITEMS FROM STAFF**

None.

### **ITEMS FROM COMMITTEE**

Councilor Coss asked staff to give a briefing on the Wheeling Agreement at the second meeting in May. He said the RPA heard such a briefing — actually, a historical overview — which was very informative. He stated that perhaps the County should also be part of the presentation, because as recently as today one County Commissioner said they wanted to renew the 500 acre-feet, while staff member Doug Sayre said it should be 1,500-1,700 acre-feet.

Mr. Carpenter clarified that Mr. Sayre had couched his request in the form of a 40- or 60-year demand.

Councilor Heldmeyer said that was true, but it has also been a number brought up in relationship to the Wheeling Agreement by Commissioners Duran and Sullivan.

Councilor Coss said the City Manager has also informed him that there are amendments being drafted to the community water budget ordinance, and he would like to see those as soon as the City Manager is ready. He added that he would like to see the amendments go through the committee process in order to determine why they are necessary and what is working/not working.

Councilor Wurzbarger stated that she would like to see this brought forward faster than that, since the Committee was supposed to have had them by now. She stated that she would like to see the list of issues and what the City Manager is thinking about in terms of amendments brought to the Public Works Committee, after which it could go to the PUC.

Noting that the PUC will not meet until May 7, Councilor Wurzbarger said she wanted to reinforce the importance of receiving feedback on the Wells 10-13 schedule at the next Council meeting.

Acting Chair Bushee asked staff to bring the catchment ordinance to the next meeting.

Acting Chair Bushee said she would like a report on individual water budgets, and Councilor Pfeffer stated that the City Manager mentioned to him yesterday that one of the key issues, which was the financial impact, could be addressed by a consultant in a matter of a few weeks. He suggested that the PUC consider moving forward with that as soon as the next meeting, if feasible.

Councilor Coss said he thought that was very feasible. He stated that the Water Conservation Committee plans to hold two public hearings to discuss the water budget proposal. He said the public hearing dates will be solidified next week.

Councilor Heldmeyer stressed the importance of starting to hold well-advertised public hearings as soon as possible.

Acting Chair Bushee said she would first like to hear from staff — either in a brief presentation or in writing — on staff's ability to administer the water budget under the current system, and what the costs would be. She stated that she wanted to be clear on the nuts and bolts before feeling comfortable in saying this is something the City can do. She expressed concern that the City not find itself in another billing crisis.

Addressing the cistern ordinance, Acting Chair Bushee said it may also involve amendments to the water budget ordinance, so she wanted to see how those integrated or didn't integrate in terms of changes to the ordinance. She stressed the importance of seeing these things move forward in a timely way with plenty of advance notice to people.

Addressing Stage 3, Councilor Wurzbarger said if the City waits until April or May to look at Stage 3 it will be too late in terms of planting. She stated that she is getting a lot of calls from people asking if there were a way to increase watering just to get the little plants started. She said she wanted more definitive information on where the City is with Stage 3 and what are the decision points at which the community can be released for a month or two from the restrictions.

Acting Chair Bushee said she thought quality of life in terms of this issue was a worthy discussion for this Committee. She stated that there is a growing concern about the City continuing to allow the proliferation of "faux adobe" houses without any trees or other vegetation around them. She cited "big box" houses bordering Frenchy's Park that have no trees in front of them that "seem to be using Frenchy's as their front yard."

**ITEMS FROM THE FLOOR**

None.

**ADJOURN**

Its business completed, the Public Utilities Committee adjourned the meeting at approximately 7:15 p.m.

Approved by:

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Councilor Matthew E. Ortiz, Chair

Submitted by:

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Judith S. Beatty, Committee Reporter